

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

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|----------------------|---|--------------------------------|
| In re Application of | : | James Stewart McCormick et al. |
| | : | |
| For | : | IMPROVED CALL FAILURE |
| | : | RECORDING |
| | : | |
| Serial No.: | : | 10/720,225 |
| | : | |
| Filed | : | November 25, 2003 |
| | : | |
| Art Unit | : | 2614 |
| | : | |
| Examiner | : | Quynh H. Nguyen |
| | : | |
| Att. Docket | : | ALC 3099 |
| | : | |
| Confirmation No. | : | 4351 |

APPEAL BRIEF

Mail Stop Appeal Brief Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed April 2, 2008.

I. REAL PARTY IN INTEREST

The party in interest is ALCATEL, by way of an Assignment recorded at Reel 014747, frame 0391.

II. RELATED APPEALS AND INTERFERENCES

Following are identified any prior or pending appeals, interferences or judicial proceedings, known to Appellant, Appellant's representative, or the Assignee, that may be related to, or which will directly affect or be directly affected by or have a bearing upon the Board's decision in the pending appeal:

NONE.

III. STATUS OF CLAIMS

Claims 1-19 are on appeal.

Claims 1-19 are pending.

Claims 11-14 were indicated to be allowable if rewritten in independent form.

Claims 1-10 and 15-19 are rejected.

IV. STATUS OF AMENDMENTS

All Amendments have been entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The subject matter recited in claim 1 relates to a method for recording call failure information in a data transmission system, comprising: generating a first failure log in response to a failure event, said first failure log including a failure type and a first timestamp and placing said first failure log in a queue (Page 3, paragraph [0034], line 4; Fig. 2: 10); formulating an identifier (Page 3, paragraph

[0036], line 3; Fig. 2: 22) for said first failure log based on said failure type; and creating a log record (Page 3, paragraph [0036], line 4; Fig. 2: 26) for said first failure log and storing said log record in a log record storage (Page 3, paragraph [0037], line 3; Fig. 2: 30).

The subject matter recited in claim 15 relates to a device for recording call failure information in a data transmission system, comprising: means for generating a failure log in response to a failure event, said failure log including a time stamp; a log queue (Page 3, paragraph [0034], line 4; Fig. 2: 10) for temporarily receiving said failure log; means for formulating an identifier (Page 3, paragraph [0036], line 3; Fig. 2: 22) for said failure log based on a failure type of the event that generated said failure log; means for creating a log record (Page 3, paragraph [0036], line 4; Fig. 2: 26) for said failure log, which includes said identifier, and log record storage (Page 3, paragraph [0037], line 3; Fig. 2: 30) for storing said log record.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The following grounds of rejection are presented for review:

A. Claims 1, 5-9, and 15 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,208,627 to Menon et al. (hereinafter "Menon") in view of U.S. Patent No. 6,788,933 to Boehmke et al. (hereinafter "Boehmke").

B. Claims 2-4, 10, and 16-19 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Menon in view of Boehmke, and further in view of U.S. Patent No. 6,170,067 to Liu et al. (hereinafter "Liu").

VII. ARGUMENT

A. Rejection of Claims 1, 5-9, and 15 Under 35 U.S.C. § 103(a)

The Final Office Action dated January 7, 2008, rejects claims 1, 5-9, and 15 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Menon in view of Boehmke.

1. Claim 1

Independent claim 1 recites the step of “formulating an identifier for said first failure log based on said failure type” (emphasis added). As disclosed in paragraph [0036] of the specification, log ID formulation unit 22 provides a unique failure log ID based on the type of failure log.

With respect to the above-quoted subject matter, page 2 of the Office Action relies upon col. 41, line 60 through col. 42, line 37 of Menon. Applicant respectfully submits that the Office Action has mischaracterized Menon's disclosure.

When Menon's system detects a failure at the wireless communication unit, the system transmits an alarm message to report the failure to the operator. See lines 31-33 of col. 41. “The format of an alarm message or alarm information sent by the wireless communication unit 106 to the base station 109 may include multiple fields, including an identifier field, a failure type field, a status field, a failure cause field, and a log number field.” See lines 60-64 of col. 41. “The failure type field contains information indicating the type of failure that has occurred – e.g., communications failure, quality of service failure, processing failure, or equipment failure.” See lines 1-11 of col. “The log number is used to track the alarm.” Id. “The wireless access communication unit 106 may maintain a log of triggered alarms, each having a corresponding log number.” Id.

Although Menon's system stores both a failure type field and a log number field, Menon does not disclose, teach, or suggest that the failure type field is used as an input variable to formulate the log number field. In other words, the log number field is determined independently from the failure type field and is not based on the failure type. Accordingly, Menon does not disclose, teach, or suggest the step of "formulating an identifier for said first failure log based on said failure type," as recited in claim 1.

Boehmke fails to remedy the deficiencies of Menon's system. As recited on lines 8-10 of column 17, while Boehmke's system displays failure types at the top of the screen, Boehmke's system does not formulate an identifier based on the failure type. Boehmke's system stores information regarding the telephone number and directory number for a particular call stored in the call records. See lines 12-26 of col. 17. In other words, Boehmke's system passively gathers information about a particular call and stores it in a record, but does not formulate an identifier based on a failure type.

For example, when Boehmke's system detects a call failure, it stores various fields of information about the failure, including the call type, telephone number, failure type, and other data. See Fig. 7B. However, Boehmke's processing ends there; the system does not process this information in order to formulate an identifier based on the failure type. Thus, Boehmke does not disclose, teach, or suggest the claimed subject matter quoted above.

For at least the forgoing reasons, claim 1 is patentable over Menon in view of Boehmke because the combination of Menon and Boehmke fails to disclose, teach, or suggest each and every element recited in claim 1.

2. Claims 5-9

Claims 5-9 depend from claim 1 and are therefore allowable for at least the reasons stated above in connection with claim 1, as well as for the separately patentable subject matter recited therein.

3. Claim 15

Independent claim 15 recites “means for formulating an identifier for said failure log based on a failure type of the event that generated said failure log” (emphasis added). As disclosed in paragraph [0036] of the specification, log ID formulation unit 22 provides a unique failure log ID based on the type of failure log.

With respect to the above-quoted subject matter, page 4 of the Office Action relies upon the same subject matter in Menon discussed above with respect to claim 1. While Menon's failure type field indicates the type of failure that has occurred, Menon's system does not formulate the log number based on the failure type. Accordingly, Menon does not disclose, teach, or suggest “means for formulating an identifier for said failure log based on a failure type of the event that generated said failure log,” as recited in claim 15. As also stated above with respect to claim 1, Boehmke fails to remedy the deficiencies of Menon.

For at least the forgoing reasons, claim 15 is patentable over Menon in view of Boehmke because the combination of Menon and Boehmke fails to disclose, teach, or suggest each and every element recited in claim 15.

B. Rejection of Claims 2-4, 10, and 16-19 Under 35 U.S.C. §103(a)

The Final Office Action dated January 7, 2008, rejects claims 2-4, 10, and 16-19 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Menon in view of Boehmke, further in view of Liu.

1. Claims 2-4 and 10

Claims 2-4 and 10 depend from claim 1 and are therefore allowable for at least the reasons stated above in connection with claim 1, as well as for the separately patentable subject matter recited therein. Liu fails to remedy the deficiencies of Menon and Boehmke discussed above in connection with claim 1.

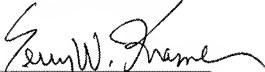
2. Claims 16-19

Claims 16-19 depend from claim 15 and are therefore allowable for at least the reasons stated above in connection with claim 15, as well as for the separately patentable subject matter recited therein. Liu fails to remedy the deficiencies of Menon and Boehmke discussed above in connection with claim 15.

CONCLUSION

For at least the reasons discussed above, it is respectfully submitted that the rejections are in error and that claims 1-19 are in condition for allowance. For at least the above reasons, Appellants respectfully request that this Honorable Board reverse the rejections of claims 1-19.

Respectfully submitted,
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April 3, 2008
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VIII. CLAIMS APPENDIX

CLAIMS INVOLVED IN THE APPEAL:

1. (Original) A method for recording call failure information in a data transmission system, comprising:

generating a first failure log in response to a failure event, said first failure log including a failure type and a first timestamp and placing said first failure log in a queue;

formulating an identifier for said first failure log based on said failure type; and

creating a log record for said first failure log and storing said log record in a log record storage.

2. (Original) The method of claim 1, wherein said log record comprises

a timestamp field for storing said first timestamp and

a count field for storing a count indication the number of log records generated by said failure event.

3. (Original) The method of claim 1, further comprising:

generating a further failure log in response to said failure event, said further failure log including said failure type and a current timestamp;

formulating said identifier for said further failure log based on said failure type; and

updating said log record in said log record storage to document said current timestamp.

4. (Original) The method of claim 3, further comprising incrementing said count by one to indicate the current number of failure logs with said identifier that have updated said log record.
5. (Original) The method of claim 1, wherein said step of formulating an identifier comprises processing selected fields in said failure log
6. (Original) The method of claim 5, wherein, for an active call, said selected fields include a standard failure reason field and a failure point field.
7. (Original) The method of claim 5, wherein, for call attempt, said selected fields include a standard failure reason field and a calling party identification field and a called party identification field.
8. (Original) The method of claim 5, wherein said selected fields further include a proprietary failure reason field.
9. (Original) The method of claim 1, wherein said step of formulating an identifier comprises applying a CRC-type checksum function over selected fields in said failure log.

10. (Original) The method of claim 2, further comprising using said count indication to complement the call failure statistics collected over said network.
11. (Original) The method of claim 5, wherein said step of formulating an identifier comprises:
selecting n fields in said failure log; and
selecting a function that provides a unique result when applied to a data configuration and applying a function to the data comprised in said n fields.
12. (Original) The method of claim 11, wherein said function is a CRC-type checksum function.
13. (Original) The method of claim 11, further comprising selecting said fields with a configurable filter.
14. (Original) The method of claim 5, wherein said step of formulating an identifier comprises:
selecting n fields in said failure log, according to said failure type;
selecting a plurality of functions, a function for each said failure type, each function providing a unique result when applied to a data configuration; and
applying to the data comprised in said n fields a function corresponding to the failure type in said failure log.

15. (Original) A device for recording call failure information in a data transmission system, comprising:

means for generating a failure log in response to a failure event, said failure log including a time stamp;

a log queue for temporarily receiving said failure log;

means for formulating an identifier for said failure log based on a failure type of the event that generated said failure log;

means for creating a log record for said failure log, which includes said identifier, and

a log record storage for storing said log record.

16. (Original) The device of claim 15, further comprising means for updating said log record in said log record storage.

17. (Original) The device of claim 16, wherein said means for formulating comprises:

a log type block for providing a failure type indicating the type of event that generated said failure log;

a filter for selecting a number of fields in said failure log; and

a formulation function unit for receiving said failure log, applying said formulation function to the data comprised in said fields, and providing a log ID unique for said failure type.

18. (Original) The device of claim 17, wherein said filter is configurable.
19. (Original) The device of claim 15, wherein said means for formulating comprises:
- a log type block for providing a failure type indicating the type of event that generated said failure log;
 - a plurality of formulation function units, a unit for each said failure type, each unit for creating a log record with a unique identification;
 - a separator for receiving said failure log and directing same to a formulation function unit corresponding to said failure type; and
 - a combiner for directing said log record from the output of each said formulation function unit to said log record storage.

IX. EVIDENCE APPENDIX

A copy of the following evidence 1) entered by the Examiner, including a statement setting forth where in the record the evidence was entered by the Examiner, 2) relied upon by the Appellant in the appeal, and/or 3) relied upon by the Examiner as to the grounds of rejection to be reviewed on appeal, is attached:

NONE

X. RELATED PROCEEDINGS APPENDIX

Copies of relevant decisions in prior or pending appeals, interferences or judicial proceedings, known to Appellant, Appellant's representative, or the Assignee, that may be related to, or which will directly affect or be directly affected by or have a bearing upon the Board's decision in the pending appeal are attached:

NONE